

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Aole Blackman Wright

(Enter above the full name of the plaintiff in this action)

COMPLAINT

Civil Action No. _____

v.
Governor Phil Murphy, Brian Hughes,
Charles Ellis, Linda Fernandez,
Sgt. Moon, CFC Health Services LLC
Judge Warshaw

(To be supplied by the Clerk of the Court)

(Enter the full name of the defendant or defendants in this action)

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of \$400.00 (a filing fee of \$350.00, and an administrative fee of \$50.00), your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

6. ~~If you cannot prepay the \$400.00 fee~~, you may request permission to proceed in forma pauperis in accordance with the procedures set forth in the application to proceed in forma pauperis. See 28 U.S.C. §1915. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)

7. If you are given permission to proceed in forma pauperis, the \$50.00 Administrative Fee will not be assessed. The Clerk will prepare and issue a copy of the summons for each defendant. The copies of summonses and the copies of the complaint which you have submitted will be forwarded by the Clerk to the United States Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

QUESTIONS TO BE ANSWERED

1a. Jurisdiction is asserted pursuant to 28 U.S.C. §1983 (applies to state prisoners) (unindicted)

☒ 42 U.S.C. §1983 (applies to state prisoners) (unindicted)
☐ Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

1b. Indicate whether you are a prisoner or other confined person as follows:

☒ Pretrial detainee /unindicted
☐ Civilly-committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other: (please explain) _____

2. ~~Previously Dismissed Federal Civil Actions or Appeals~~

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

a. Parties to previous lawsuit:

Plaintiff(s): N/A

Defendant(s): _____

b. Court and docket number: _____

c. Grounds for dismissal: () frivolous () malicious

() failure to state a claim upon which relief may be granted

~~d. Approximate date of filing lawsuit: _____~~

e. Approximate date of disposition: _____

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

3. Place of Present Confinement? Merger County Correctional Center

4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional Plaintiffs, if any.)

a. Name of plaintiff: Ade Blackman Wright

Address: ~~1150 River Road, Camden, NJ 08102~~

Inmate #: ~~100741789~~

b. First defendant:

Name:

Governor Phil Murphy

Official position:

Governor

Place of employment:

State of New Jersey

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

(see attached)

c. Second defendant:

Name:

Brian M. Hughes

Official position:

County Executive

Place of employment:

640 South Broad St., Trenton, NJ 08608

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

(see attached)

d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

4. Parties

d. Third defendant:

Name: Charles Ellis

Official position: Warden

Place of employment: Mercer County Correctional Center

Involvement: (see attached)

e. Forth defendant:

Name: Linda Fernandez

Official position: Classification

Place of employment: Mercer County Correctional Center

Involvement: (see attached)

F. Fifth defendant:

Name: Sgt. Moon

Official position: Classification

Place of employment: Mercer County Correctional Center

Involvement: (see attached)

G. Six defendant: CFH Health services LLC

Name: CFH

Official position: _____

Place of employment: Mercer County Correctional Center

Involvement: (see attached)

4 Parties

H. Seventh defendant:

name: Judge Peter Marshall

official position: Judge/Judicial officer ⑤

Place of employment: Superior Court

Involvement: (see attached)

End

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

☒ Yes ☐ No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

A grievance, complaint and a written Petition was mailed/
sent to: Governor Phil Murphy, Brian Hughes, Charles
Ellis. No responds from either party to date.

If your answer is "No," briefly explain why administrative remedies were not exhausted.

6. Statement of Claims

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)

(see attached)

7. Relief

(State briefly exactly what you want the Court to do for you.)

Plaintiff seeks relief as follows:

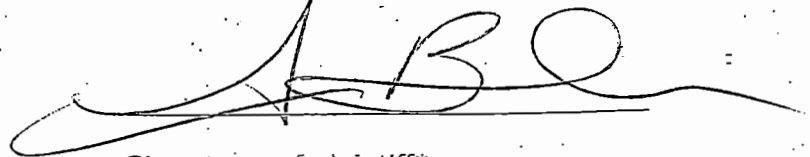
- 1) Immunity from State of New Jersey convictions
- 2) Proximate damages
- 3) Punitive damages
- 4) Monetary damages
- 5) Restitution damages
- 6) Workers compensation, pay in full
- 7) Clear debtors fees; State of New Jersey
- 8) Damages amount: OPEN
- 9) other...

8. Do you request a jury or non-jury trial? (Check only one)

☒ Jury Trial () Non-Jury Trial

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 16 day of November, 2020



Signature of plaintiff*

(*EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF. REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT).

Governor Phil Murphy
225 W. State St. 3rd Fl.
Trenton, NJ 08625

6. Statement of Claims

1 of 2 Involvement:

b. Around March, 2020 to April 2020 Governor Phil Murphy issued executive order No. 103-124. Governor Phil Murphy failed to include inmates detained in county facilities (Mercer County Correction Center) that are pretrial eligible/awaiting Indictment in the executive order. Governor Phil Murphy did not consider our health and safety from the transmission of the deadly coronavirus (COVID-19). In Governor Phil Murphy executive order he excluded inmates under the age of 18 years old. Leaving myself and other with serious health issues to assume we was safe from transmission of COVID-19. Therefore, this is a total disregard of human life and human rights. The lack of revisiting the policies and procedures for county facilities and those inmates like myself that are pre-detain/incarcerated. And to assure the facility is being monitored and restructured to combat the spread of the coronavirus (COVID-19), ETC.

Governor Phil Murphy excluding pre-detained (innocent) inmates housed at Mercer County Correction Center and those under 18 years old was a total disregard and misrepresentation to those who should be considered in his executive order. Plaintiff did contact Governor Phil Murphy with concerns herein and the conditions that I faced at Mercer County Correction Center and how the facility was being operated under the supervision of Warden Charles Ellis. Warden Charles Ellis was/is neglecting CDC executive order No. 103-all "Social distancing" whereas housing units was overcrowded. Well beyond 25% capacity and mixing positive tested inmates with those non-positive and/or non-tested new commits. Governor Phil Murphy executive order as well as CDC executive order "Social distancing" is not being exercised and the Mercer County Correction Center prisoners, as myself have contracted coronavirus (COVID-19) and is not safe environment.

CONT.

Further Governor Phil Murphy failed to employ a notice to all Correctional facilities to right into there policy That all prisoners in custody that contracts coronavirus (Covid-19) by way of policy the infected prisoners family / Emergency contact should be notified of there current status." As we now know how sudden, one that contracts Covid-19, could die. Governor Phil Murphy left the whole incarcerated population out and the State of New Jersey citizens as a whole. This neglect and disregard for the families of sick / infected inmates was cruel. And it is clear that during a State of emergency Governor Phil Murphy concerns was not for those infected and there family, love ones. Let it be known that emergency contact should be notified of there love ones current condition and not wait to see if the infected inmate survive.

Furthermore Gov. Phil Murphy fail to address the bail reform. The constitution offers resolution and defines our nation. Under the bail reform detained inmates / prisoners in County facilities should be award a cash bail. Gov. Phil Murphy in his executive orders failed to redress the bail reform and place in his executive order "Cash bails" for Non-violent offenses and/or detained without grand jury indictment.

Brian M. Hughes
Board of freeholders
Metade Admin Bldg.
640 S. Broad St.
Trenton, NJ. 08625

⑥ Statement of claims

Involvement:

C. Mr. Brian M. Hughes has a responsibility to monitor and ensure that the Mercer County Correction Center is safe and sound. Plaintiff did contact Mr. Brian Hughes with concerns about the conditions and operations of the Mercer County Correction facility. Listed below are several of Plaintiff complaints.

Plaintiff claims:

- ① There is no testing for coronavirus (COVID-19) new inmates upon entering Mercer County Correction facility.
- ② The Mercer County Correction Center is overcrowded on each unit and is well beyond 25% capacity.
- ③ The Mercer County Correction Center employs prisoners to work like other County and State prisons. Yet, no inmates have received (cash) money for their services (working). See Inmate Handbook pg. 11 (12. a)
- ~~④ Mercer County Corrections staff have not issued supplies weekly nor linen exchange, clothing, sanitizers (hand) wash cloth and towels.~~
- ⑤ There has not been any menu adjustments to provide healthier meals nutrition for dietary inmates. Food services staff are not giving the inmates on diet the food sent to the prison. Only to staff in the staff officers dining hall.
- ⑥ SEE Exhibits 1, 2, 3, ~~4~~ 4, 5, 6, 7, 8, 9

End of statement -

Charles Ellis Warden/
P.O. Box 8068 /MCCC/
Trenton, NJ 08650

6. Statement of claims

1 of 2

Involvement:

- d. Mr. Charles Ellis /Warden/ was notified of Plaintiff concerns about the living condition and housing unit conditions. And how Mercer County Correction facility was operating. Mr. Charles Ellis disregard and neglect to adjust policies, to safeguard Plaintiff from infectious condition, health hazards, and safety from the deadly coronavirus (COVID-19). Listed below are several concerns that Mr. Charles Ellis neglected.

Plaintiff claims:

- ① There is no testing for coronavirus (COVID-19) new inmates upon entering Mercer County Correction Center
- ② The Mercer County Correction Center is overcrowded on each unit and is well beyond 25% capacity.
- ③ The Mercer County Correction Center employs prisoners to work like other county and state prisons. Yet, no inmates have received money for their services (working). (SEE Inmate handbook pg. 11 (12.A))
- ④ Mercer County Correctional staff have not provided supplies in a timely fashion nor linen exchange, clothing, sanitizers (hand) wash cloth and towels, ETC.
- ⑤ There was no adjustments in the food service (Menu) to provide healthier meals nutrition for inmates especially those on diet trays that have health condition. Food service staff are not giving the inmates on diet the food sent to the prison. Only to staff in the officers dining hall.
- ⑥ SEE exhibits; 1, 2, 3, 4, 5, 6, 7, 8, 9

Lastly, there are leaking ceilings throughout the whole facility (C-ROB, medical, kitchen, corridors, W E 2 Left and right, ETC). I

CONT.

2 of 2

question C-Pod in which the bathroom area has mold and mildew on the ceiling, walls, floors, sinks, showers and toilets. Possibly asbestos. Several sinks and toilets are out of order and/or leaking water. It appears the floor is sinking and sewage waste is coming thru the drains, leaving mold and mildew and a strong stench. There are puddles of water around the toilets and throughout the bathroom daily. There are no safety mats in the showers to prevent slip and falls. There are no water fountains on the units, nor do the facility offer bottled water on commissary, etc. and/or in general. Mr. Charles Ellis was notified of these conditions and his concerns, yet they fell on deaf ears. No showers on North east 2 left. (Slop sink, ~~also~~ bird bath daily) C-Pod lights impaired.

————— End of Statement —————

no heat and electrical malfunctions on C-Pod. On 1-4-21 while housed on C-Pod the lights went out in part of unit as did several times in the past. Inmates on C-Pod was sent to the gym for the day. There was water leaking from ceiling and into light fixtures in several areas. After returning to C-Pod inmates on right side of unit that had no lights was told to move to the left side where inmates would now be double and triple bunked. This is not in accord with the CDC executive order for "Social distancing". The next day on 1-5-21 approximately 8am all C-Pod inmates was escorted to the gym where we remained all day until approximately 8pm. During which time inmates had to sit in chairs and/or lay on the floor. I am handicap and have a platinum rod in my leg, surgical repaired left ankle and nerve damage in my lower back. I was in extreme pain all complaints fell on deaf ears. Warden Charlse Ellis did authorize for C-Pod inmates to be housed in the recreation gym.

In Part:

Warden Charlse Ellis continued the abuse of inmates and allowed staff to manipulate the prisoners with food choices those whom worked would eat, plentiful, yet others would, starve, non x traps and conditions would be horrible treatment none only none unit for workers kitchen workers (most) all workers for non day is cruel and unusual punishment and no washer and/or Dryers to further even occupy such a building that even the walls bear the fruit of bad sole, and be bare conditions without even the offering of detergent on commissary, nor is there any form of such a prison that inmates have no such sanitation as to provide for them, only with soap products. And so Plaintiff has worked for the Mercer County Correctional Center, under all circumstances, and claims all persons involved respo

sible for these unlawful condition. And to think that staff would be responsible and professional enough to raise the simple argument of human rights and decency to assure that the safety and treatment would be fair/equal. Mercer County Correction Centers has no testing for officers and/or staff that come in to the facility, nor does Mercer County Correction Center provide vaccination shots to officers and/or staff. These is a hazardous practice that will sure to have an affectionous return of more inmates contracting the deadly coronavirus (COVID 19). All these unethical conditions that has left the Plaintiff in fear of his life and suffering with the poor conditions of the manual daily operations. Plaintiff claims that on CPD and such areas of the facility abroad has a calaspe foundation leaving the plumbing malfunction whereas water pressure is weak leaving the showers sprinklers to dripping water instead of spitting waters. All threw the kitchen as well water pressures and/or temperatures are low/down in times of use. It is unfit to be housed in this environment/facility. On a regulars Plaintiff suffered from pains to the leg, knees, left foot and lower back. Plaintiff is handicap and suffers from nerve damage from multiple gun shot wounds. And is a victim of crimes, Mercer County. Plaintiff also claims of no railings in showers, floor mates, etc. for safety while showering and/or in bathroom area where broken tile floors are in fair because of a poor foundation/structure. Whereas, Plaintiff has observe ants, spiders and other insects in bathroom and living areas. Ants coming out of the cracks of walls and or floors crevices/corners.

Plaintiff's claims of that Mercer County Corrections center operations is abusive and cruel and unusual punishment. And that Plaintiff pain and day to day suffering has caused fatigue, nervousness, sleeplessness, paranoia and a loss of appetite.

In closing, I swear under the penalty of perjury that the aforementioned statement herein is true and correct to the best of my knowledge.

Aole Blackman Wright
Sign
[Signature]
Signature
January 11, 2021
Date

End of Statement

Ms. Linda Fernandez/Classification/
P.O. Box 8068 (MCCC)
Trenton, NJ. 08650

6. Statement of claims

Involvement:

e. Ms. Linda Fernandez is ~~was~~ the head of the classification team. And along with fellow officials and staff is assigned to place inmates/new commits to housing units and/or job assignments. During the epidemic (COVID-19) on or around July 18, 2020 I was seen by classification. During which time I was assigned to be housed on Northcreek 2 left. To my dismay all of the inmates on that unit had recently tested positive for the coronavirus/COVID-19. Several tested positive twice (2). I was informed by several inmates whom tested positive. Mercer County Correction Center staff placed me in direct contact with those who were infected and as a result I became sickened. There was a time that I was unable to taste, I became tired and shortly thereafter I became bedridden. Leaving my muscles and/or bones aching for days. I also experienced headaches. This reckless practice nearly cost me my life and has stopped fear in my everyday habitat at Mercer County Correction Center.

Plaintiff further claims that dating as far back as 1990 I have been classified to work details. On each/several times coming to Mercer County Correction Center I have worked. At no time, upon each intake, have I been compensated for working at the Mercer County Correction Center. Classification has full knowledge of my work ethic to date. And is well aware of the operation of the facility. This is an abusive practice and should be revisited/amended. I am a worker to date and no moneys have been placed in my account.

End of statement

Sergeant Moon / Classification /
 P.O. Box 8068 / MCCC /
 Trenton, NJ 08650

6. Statement of claims

Involvement:

f. Sergeant Moon is a part of the classification team. And is well aware of the day to day operations of the Mercer County Correction Center. Sergeant Moon along with Melinda Fernandez is majority part of Classification. On the date or around July 18, 2020 I was seen by classification. At the time of a state of emergency epidemic (COVID-19). Classification consulted/seen me for housing placement. And as a result I was assigned to be housed on Northeast 2 left. To my dismay, I was informed that all of the inmates on that unit had recently tested positive for the coronavirus / COVID-19. Several tested positive twice (2). Classification placed me in direct contact with those inmates who were infected and as a result I became sickened. There was a time that I lost taste, I became tired and shortly thereafter I was bedridden. Leaving my muscles and bones aching for days. I also experienced headaches. This reckless practice nearly cost me my life and has spread fear in my everyday habitat at Mercer County Correction Center.

Plaintiff further claims that dating back to 1994, I have been back and forth to Mercer County Correction Center. Each time / Several time I was assigned to a work detail. Not one (1) time was I compensated. I am a worker to date and have not been compensated. This is an abusive practice and should be revisited / amended.

End of statement -

CFG Health services LLC.
 Health services Mercer County
 705 East Rt. 70, Bld# A-101
 Marlton, NJ. 08053

6. Statement of claims

Involvement:

G. CFG Health services LLC procedures in place here at Mercer County Correction Center have been enacted through misinformed provided. Lack of information, lack of covid testing, no medical care in place to slow the spreading of this deadly coronavirus (Covid-19). Staffing being undermanned, causing sick inmates to become sicker and condition sometimes even worsens, when sick call slips are not being called in a timely manner. CFG Health services LLC is in direct violation of the CDC "social distancing" policies that have been set forth By Governor Phil Murphy executive order 103-124 since March 9, 2020 to date. CFG misinformed the public and hindered others from the true knowledge about the deadly coronavirus (Covid-19). And those who was tested (results).

CFG Health services LLC has not made any immediate and extensive changes that could lower the risk of contracting coronavirus (Covid-19). Inmates are being infected by default for lack of new inmates being tested. I have been infected/sickened at one time or another. And had bumps, rashes and infections that have lasted for months for lack of treatment and/or effective treatment in a timely manner. CFG is well aware of the conditions of the facility's medical department. The ceiling is constantly leaking (most times) which is a safety and health hazard. Water on or around buckets that are placed in place can cause a slip and fall. ceiling leaking could caused the ceiling to collapse and/or electrical outbreak.

NOTE: See attached 1, 2, 6, 9

Judge Peter Warshaw
400 S. Warren St.
Trenton, NJ 08650

Involvement:

n. Judge Peter Warshaw detained Plaintiff and ordered to be housed at Mercer County Correctional Center during which time coronavirus (COVID-19) has our country (world) in a state of emergency. Judge Peter Warshaw disregarded the constitution that would allow "cash bail". To deny bail and any other form of collateral/cash rules out an or disregards the concept of "Innocent until proven guilty". In the new legislation of "Bail reform", it does allow cash bails under strenuous circumstances. However Judge Peter Warshaw again failed to honor a remedy that would have been reasonable under the deadly and hazardous circumstances involving people/citizen maintaining "social distancing". The Mercer County Correctional Center is a hazardous environment that have positive tested inmates and staff members alike. Judge Peter Warshaw decision to detain me was reckless, cruel and unusual punishment along with the explanation of Judge Warshaw to detain Plaintiff.

End of Statement